

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS, LLC d/b/a,
BRAZOS LICENSING AND
DEVELOPMENT

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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CIVIL ACTION 6:20-CV-00581-ADA

JURY TRIAL DEMANDED

JOINT STIPULATION OF DISMISSAL AND FINAL JUDGMENT

Plaintiff (“WSOU”) and Defendant (“Google”) (collectively, the “Parties”) by and through their undersigned counsel, subject to the approval of the Court, hereby stipulate and agree as follows:

1. This is a patent infringement action brought by WSOU against Google.
2. This Court has jurisdiction over the claims in these actions pursuant to 8 U.S.C. §§ 1331 and 1338.
3. WSOU asserted infringement of claims 1, 3-6, 10-16 of U.S. Patent No. 7,304,563 (“the ’563 patent”). Google denies infringement of all asserted claims and further asserts the claims are invalid and unenforceable among other defenses. On March 25, 2021, the Court held a *Markman* Hearing. (Dkt. Nos. 44-45.) On June 2, 2021, the Court entered a Claim Construction Order. (Dkt. No. 46.)
4. Under the Court’s Claim construction order, all the asserted claims—claims 1, 3-6, and 10-16—of the ’563 patent have been held invalid as indefinite. As a result, under the Court’s Claim Construction Order, WSOU cannot prevail on the issue of infringement because WSOU cannot prove the accused products practice a valid asserted claim, namely claims 1, 3-6, and 10-

16. The Parties therefore stipulate and agree to entry of this Final Judgment in favor of Google and against WSOU that the asserted claims are invalid as indefinite for the reasons set forth in the Court's Claim Construction Order and for purposes of allowing appeal of the foregoing order.

5. The Parties also stipulate and agree that by virtue of this stipulation Google does not waive any argument or defense relating to the '563 patent.

6. This Stipulated Order of Dismissal and Final Judgment is without prejudice to the Parties' rights to appeal any future orders issued by the Court.

SO STIPULATED BY the Parties through their undersigned counsel:

Date: August 23, 2021

Respectfully submitted,
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Date: August 23, 2021

Respectfully submitted,
/s/ Tharan Gregory Lanier

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